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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,965	06/26/2000	Tetsuya Yamada	501.38642X00	1963
20457	7590	08/05/2004	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889			KIM, KENNETH S	
			ART UNIT	PAPER NUMBER
			2111	

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/603,965	<b>Applicant(s)</b> YAMADA ET AL.	
	<b>Examiner</b> Kenneth S KIM	<b>Art Unit</b> 2111	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

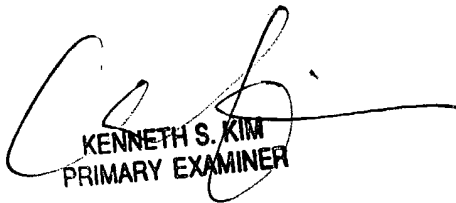
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-8, 10, 32-38, 54-56 and 63-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 63 is/are allowed.
- 6) ☒ Claim(s) 2-7, 10, 32-35, 37, 38, 54-56, 64 and 65 is/are rejected.
- 7) ☒ Claim(s) 8 and 36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

  
KENNETH S. KIM  
PRIMARY EXAMINER

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

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**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. Claims 64, 2-8, 10, 32-38, 65, 54-56, and 63 remain for examination.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 64, 2-7, 10, 32-35, 37, 38, 65, and 54-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamada et al, U.S. Patent No. 6,438,680.

Yamada et al teaches the invention as claimed in claim 32 including a microprocessor comprising:

- (a) a cache memory (6, well known),
- (b) an instruction processor circuit (21) coupled to said cache memory,
- (c) a first decoder (9) to decode the output of said instruction processor circuit,
- (d) a first processor (4) to make calculations according to the decoding results from said first decoder,
- (e) a second decoder (8) to decode the output from said instruction processor circuit,
- (f) a second processor (3) to make a calculation according to decoding results from

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said second decoder,

(g) wherein, when the instruction inputted from said cache memory (MUL) is not an instruction to perform calculations in said second processor, said instruction processor circuit outputs the instruction, inputted from said cache memory, to said first decoder (col. 15, line 29), and an instruction (NOP) that is different from the instruction inputted from said cache memory to said second decoder (col. 15, line 22), and

further teaches as in claims 33-35, 37, and 38,

(h) wherein said different instruction is an NOP instruction (col. 15, line 22) – claim 33,

(i) wherein said first processor is an arithmetic logic unit (4; col. 3, line 25) and said second processor is a processor with a designated calculator circuit such as a floating point unit (3; col. 3, line 24; can be any type of unit) – claims 34 and 35,

(j) wherein when the instruction input to said instruction processor circuit is not the instruction to perform calculation in said first processor, said instruction processor circuit does not output said input instruction to said first decoder (inconsistent with the limitation in the base claim; well known implementation of NOP instruction) – claim 37,

(k) wherein said microprocessor is formed on the same semiconductor substrate (integrated circuit) – claim 38.

The processor claims 64, 2-7, and 10 with the second decoder receiving memory access type specified instruction (col. 3, line 30) and processor claims 65 and 54-56 with discriminator (217) and selector (214, 215) are equivalently rejected based on the same reason.

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4. Applicant's arguments with respect to claims 64, 2-7, 10, 32-35, 37, 38, 65, and 54-56 have been considered but are moot in view of the new ground(s) of rejection.

5. Claims 8 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claim 63 is allowed over the prior art of record.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth S KIM whose telephone number is (703) 305-9693. The examiner can normally be reached on M-F (8:30-17:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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KENNETH S. KIM  
PRIMARY EXAMINER